

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JASON THOMPSON, et al.,	:	Case No. 3:16-cv-169
	:	
Plaintiffs,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
CITY OF OAKWOOD, OHIO, et al.,	:	
	:	
Defendants.	:	

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**ENTRY AND ORDER SETTING BRIEFING SCHEDULE ON DEFENDANT’S  
NOTICE OF PRE-SALE INSPECTION ORDINANCE AND REQUEST TO  
DECLARE TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION AS MOOT (DOC. 23)**

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This case is before the Court on the Notice of New Pre-Sale Inspection Ordinance and Request to Declare Temporary Restraining Order and Preliminary Injunction Moot (“Notice”) (Doc. 23) filed by Defendant City of Oakwood, Ohio (“Oakwood”). In the Notice, Oakwood states that on July 5, 2016, Oakwood repealed the pre-sale inspection ordinance at issue in this case and replaced it with a new ordinance (attached as Exhibit A to the Notice). Oakwood argues that the new ordinance does not provide for the enforcement activities that the Court enjoined in its Entry and Order on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Preliminary Injunction”) (Doc. 15). As a result, Oakwood requests that the Court declare the Preliminary Injunction moot as of July 6, 2016.

The Court construes the Notice as a motion to vacate the Preliminary Injunction (Doc. 15) as moot. The Notice is therefore subject to the briefing schedule in S.D. Ohio Civ. R. 7.2(a)(2), which states:

Any memorandum in opposition shall be filed within twenty-one days after the date of service of the motion. Failure to file a memorandum in opposition may result in the granting of any motion that would not result directly in entry of final judgment or an award of attorneys' fees. Any reply memorandum shall be filed within fourteen days after the date of service of the memorandum in opposition. No additional memoranda beyond those enumerated are permitted except upon leave of court for good cause shown.

**DONE** and **ORDERED** in Dayton, Ohio, this Friday, July 8, 2016.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE